



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

November 10, 2020

Submitted via email to: whitney.rowley@deg.idaho.gov

Ms. Whitney Rowley
Air Quality Division
Idaho Department of Environmental Quality
1410 North Hilton
Boise, ID 83706-1255

Re: Nez Perce Tribe's Supplemental Comments on Midas Gold's application to Idaho Department of Environmental Quality to Construct and Operate an Air Pollution-Emitting Source for the proposed Stibnite Gold Project (Docket No. AQ-1667)

Dear Ms. Rowley:

On October 13th, 2020, the state of Idaho Department of Environmental Quality ("IDEQ") scheduled an additional 30-day period to receive public comments under Docket No. AQ-1667. On behalf of the Nez Perce Tribe ("Tribe"), I submit these supplemental comments on the application by Midas Gold Idaho, Inc. ("Midas Gold") to IDEQ, for a permit to construct and operate an air pollution-emitting source ("PTC permit") located at the intersection of Forest Service Roads NF-374 and NF-412 for the proposed Stibnite Gold Project ("Project"). This comment letter supplements the comment letter the Tribe submitted on October 12, 2020 for this same Docket No. AQ-1667.

The Nez Perce Tribe appreciates this opportunity to provide these supplemental comments. If you have any questions or require clarification from the Tribe, please do not hesitate to contact Mike Lopez, Senior Staff Attorney for the Tribe's Office of Legal Counsel, at 208-843-7355.

Sincerely,

Shannon F. Wheeler
Chairman

cc: Chris Hladick, Administrator, U.S. Environmental Protection Agency (EPA) Region 10
Krishna Viswanathan, Air and Radiation Division Director, EPA Region 10
Linda Jackson, Forest Supervisor, U.S. Forest Service Payette National Forest
Ann Mebane, Air Program Manager, U.S. Forest Service Intermountain Region
Tim Allen, Meteorologist, U.S. Fish and Wildlife Service

NEZ PERCE TRIBE'S SUPPLEMENTAL COMMENTS ON AQ-1667
MIDAS GOLD IDAHO, INC., APPLICATION FOR A PERMIT
TO CONSTRUCT AND OPERATE AN AIR POLLUTION-EMITTING SOURCE
FOR THE STIBNITE GOLD PROJECT

Fugitive and Visible Emissions

- Permit condition 2.1 should include secondary National Ambient Air Quality Standard factors in giving consideration to what are reasonable precautions. In addition to "...proximity of dust-emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of PM..." IDEQ should include public welfare protection, proximity to critical habitats, and potential for damage to the environment.
- There is no monitoring procedure identified for fugitive emissions other than for haul roads (permit condition 2.5). A method and duration should be identified for the other sources of fugitive emissions (e.g. stockpiles, transfer points, tailing storage facility, access roads, tailpipe emissions from startup and idling). IDEQ should require Method 22 evaluation for a minimum of six minutes at each source during fugitive emission inspections.
- There is discrepancy in frequency of the recordkeeping condition 2.2 ("each day") and inspection condition 2.4 ("every 12 hours"). Recordkeeping frequency should be adjusted to match the inspection frequency.
- During winter months when daylight is less than 12 hours, it should be specified that one inspection per day should occur during daylight hours.
- Prior to onset of winter conditions each year, the condition of the haul and access roads should be assessed before freeze-up and required maintenance needed to maintain the roads through the winter months should be performed, and any preventative dust suppression activities should be completed before the roads are frozen and liquid application of suppressants or water are unrealistic.
- Permit condition 2.10 includes a tiered approach for visible emissions evaluation. The see/no see part of this evaluation should specify a method and duration. IDEQ should require Method 22 for a minimum of six minutes at each source.
- IDEQ should require the permittee to designate specific employees to be the on-site visible and fugitive emissions observers solely responsible for fulfilling the ongoing PTC permit requirements of conducting the required test methods and procedures of EPA Reference Methods 9 and Method 22, initiating any appropriate corrective actions, and completing and maintaining recordkeeping.

Monitoring and Recordkeeping

- IDEQ should have a ninety-five percent completeness requirement for recordkeeping of fugitive and visible emissions inspection records.
- Permit conditions should include the following additional monitoring requirements:
 - Real-time continuous PM2.5 and PM10 monitoring located to capture worst-case dust emissions from haul roads (set trigger for one hour NAAQS, make publicly accessible, and if there is an on-going exceedance of trigger after control measures taken, reassess control efficacy and or shut down until problem resolved);
 - Publicly accessible web cameras, equipped with opacity measurement and alert system, set to have the sun behind the camera during daylight hours, looking at emission sources for ongoing assurance of point and fugitive emissions controls;
 - Use of aerial drones to view spatial and temporal emissions such as distance and time road dust travels from roadways, and extent and duration of blast emissions; and
 - Pairing/collocating meteorological monitoring (wind speed, direction, ambient temperature, delta temperature, relative humidity, precipitation, and solar radiation) with the real-time continuous PM2.5 and PM10 monitoring, publicly accessible web cameras, and aerial drones.

Consistency of Terminology

The Statement of Basis refers to an Access Control Plan (ACP) on page 39 and an Access Management Plan (AMP) on page 24, while the PTC permit refers to an Access Management Plan (AMP) on pages 9 and 10. If these are the same plans, we suggest IDEQ be consistent in the naming of this plan.